

# "GOVERNMENT BY INJUNCTION" HAS COME WHEN COURT DENIES CITIZEN DUE JUDICIAL PROCESS—BIRDZELL

Nonpartisan Member of Supreme Bench Declares No Trial Was Given Defendants in Scandinavian-American Bank Matter—Asserts Judgment Should Be Held Void and Case Reheard or Remanded to District Court for Adjudication on Its Merits

That the case of the state ex rel O. E. Lofthus, the Scandinavian-American bank and its president and cashier and directors versus the state banking board was not tried before the supreme court of North Dakota on its merits, is the contention of Justice Luther E. Birdzell, in a strong dissenting opinion which was filed today.

"I dissent," says Justice Birdzell, the only Nonpartisan member of the court not to agree with the majority opinion signed by Justices Bronson, Grace and Robinson and written by the first named of the trio. "At the time the original application in this matter was presented to the court, I was of the opinion that the court did not possess, under the constitution, the requisite original jurisdiction to deal adequately with the matters presented in the complaint. The matter of jurisdiction required decision then if the court was to issue the order prayed for, for the plaintiff requested that a restraining order issue at once, which would have the effect of removing Haldorson, the receiver appointed by the banking board, and of placing the bank in the control of the public examiner. It was also asked that the banking board be immediately restrained from invalidating post-dated checks as collateral security. The restraining order was asked for without notice and upon an ex parte application. It appeared clear to me that it should not issue unless this court was possessed of the requisite jurisdiction, not only to disturb the existing status to the extent requested, but to determine fully the merits of the controversy foreshadowed by the complaint.

## NO ORIGINAL JURISDICTION

"I was of the opinion that this court did not possess under the constitution the requisite original jurisdiction, and further reflection confirmed that opinion. The majority of the court, however, assumed jurisdiction and issued the order. That action brought the matter here for future proceedings as might be deemed appropriate. It was a justifiable assumption at the time that upon the return of the order to show cause, the temporary order would be dissolved, if sufficient showing were made by the respondents to justify them continuing the course they were pursuing; or if not, that it would be continued pending a trial of the issues on the merits. But so far as the assumption related to a trial on the merits, it proved to be altogether too liberal, as it will appear presently.

"Prior to the return day, the attorney general had asked for an interpretation of the injunctive order with reference to its effect upon certain proceedings which had been begun by him, under section 7900 or 8004, C. L. 1913, in the district court of Cass county.

"These proceedings were predicated partly upon the alleged insolvency of the Scandinavian-American bank, and were brought for the purpose of having a judicial determination of that fact and for the further purpose of having its affairs administered in accordance with the statutory law specially made applicable to the situation. In the application it was stated that the district judge before whom the case was pending had construed the order as preventing further proceedings in that action; and the majority of this court, which is the same majority that has joined in the principal opinion herein, declined to place an interpretation upon its previous order that would permit the attorney general to exercise his statutory authority to prosecute the action referred to in district court.

"Later another application was made by the attorney general for modification of the order that would permit him to retain certain documents which he represented to be material evidence in criminal proceedings against officers of the bank. This request was also denied by the majority, the minority considering that reasonable provision should be made to secure for the state the benefits, if any, of such original evidence. On the return day the defendants requested an opportunity to examine witnesses in case court should be desirous of passing upon the solvency or insolvency of the bank and the merits of the controversy. The case already stood at issue both upon a motion to quash for lack of jurisdiction and upon an answer putting in issue all the principal facts alleged in the complaint. But at the close of the argument, instead of entering this request, the court granted an order permitting the respondent to file affidavits upon any matters concerning which they desired to submit proof up until October 23.

## PETITION IGNORED

"It was understood by the court that this order should not be construed as either a denial or a granting of the request of the respondents made at the time of argument; but that such request should be dealt with in the future in the light of such facts as might be developed by the affidavits filed, and as the need for further proof might appear to the court. As is stated by the majority, no additional affidavits were filed by the respondents. But on October 21 the attorney general petitioned for modification of the order entered on the day of argument which would permit him to examine witnesses that he might subpoena to appear before a district court. The petition practically amounted to a renewal of the request made upon argument, and it was based upon the representation that there were some five or six persons whose testimony under oath was material and who had refused to file affidavits.

"While this petition was pending, it, the court, acting by the majority members, considered the proofs closed and proceeding to determine the merits of the controversy in the manner indicated in the majority opinion. These facts are not stated in the majority opinion and I state them as preliminary to and in support of the conclusion reached.

## GREEN RIVER ON RAMPAGE; DAMAGE EXCEEDS MILLION

Greenburg, Ky., Nov. 3.—Green river swollen to flood stage by heavy rains came to a stand today after inundating a large area and driving scores of families from low lying sections to higher ground. Damage has been confined to bottom farmlands and the loss in crops is estimated at more than \$1,000,000.

G. W. Conn Amidon rancher, was in the city last week, calling on State Treasurer Obert A. Olson and other old friends.

# HALL DECLARES RECALL ACT IS BADLY JOKERED

Law as It Is to Be Submitted to People for Approval Is Farce, He Says

## TO GIVE VOTER CHANCE

Believes Electors Should Have Privilege of Dismissing Public Servants

"Some of my Nonpartisan friends have been lamenting over the fact that at the present time the people of this state do not have the right to recall their public servants," remarked Secretary of State Hall today. "The league organs have been proclaiming that when the constitutional amendment proposed by the last legislature assembly (Senate Bill No. 168, Chapter 93, Session Laws of 1919), has been approved by the people, this will be remedied. On this I wish to take issue.

"The proposed amendment provided for the recall of any elective official, by petition signed by 30 percent of the qualified electors who voted for governor at the preceding election, and the holding of a special election not less than forty or more than forty-five days from the filing of the petition.

"The officer against whom such petition has been filed shall continue to perform the duties of his office until the result of such special election shall have been officially declared. Other candidates for such office may be nominated in the manner as is provided by law in primary elections. The candidates who shall receive the highest number of votes shall be deemed elected for the remainder of the term. The name of the candidate against whom the recall petition is filed shall go on the ticket unless he resigns within ten days after the filing of the petition.

"Now in the first place the primary election law does not apply to special elections. (Section 852, Compiled Laws 1913, State ex rel Burtness v. Hall, volume 37, North Dakota reports, page 259), and secondly, it would of course, be impossible to call and hold both a primary election and the special election within the period limited, forty-five days.

"The primary election law relates only to party nominations. Section 851, declares, 'It is the intention of this article to reform the methods by which political parties shall make nominations.'

"It is the intention of the proposed amendment to have party nominations. If so, the recalled official denied the privilege of having his name appear in his party column, if not is his party denied the right of selecting some other candidate?

"As the recalled official automatically goes on the ballot, and no workable method by which another candidate can have his name placed thereon, this law is merely a farce and is being used to fool a certain class of people with. The men who drew the bill know that it cannot operate.

"The legislative having been called to meet in special session, I therefore suggest, that it strike out this joker, and propose a workable law, so that the people may actually have the power to dismiss objectionable judges and officers from public service."

## HALLOWEEN PRANK MAY CAUSE DEATH OF WINONA BOYS

One Young Man in Very Serious Condition From Gun-shot Wounds

Winona, Minn., Nov. 3.—Fred Moore is in a serious condition and William Penne, Walter Blodgin and Debs Lake, all Chaffee high school boys, are suffering from gun-shot wounds received at the hands of Charles Cotton, 75-years-old Civil war veteran, on last Friday night according to word received here today.

It is said that Cotton anticipated the boys were going to tip over one of his out-buildings as a Halloween prank, and that he held in waiting for them. When the boys approached Cotton's property he opened fire on them with a shot-gun it is said. Feeling in Chaffee is said to be running high as a result of the shooting.

## BOLSHEVIKI GUNS SAID TO BE STILL

Reports Tell of Silencing of Batteries By Bombardment

Copenhagen, Nov. 3.—Reports that the Bolshevik batteries in and around Kronstadt and Krasnaya Gorka on the Gulf of Finland have been silenced by a bombardment by allied warships lasting several days are contained in dispatches to the National Tidende today from Reval. Heavy explosions are said to have occurred in both places named presumably being due to ammunition dumps blowing up.

## BLIZZARD CONDITIONS AT HEAD OF THE LAKES

Duluth, Minn., Nov. 3.—Blizzard conditions excepting the cold are raging over the head of the lake and from ranges today. A cold wave is headed for the district and temperature is expected to drop to about ten degrees below zero by tomorrow morning. Heavy snow and winds will accompany the drop in temperature according to the local weather office.



LEAVING THE MINE WITH SHOVEL AND PICK, WHICH WILL BE MADE DURING THE STRIKE.

## BRYAM BECOMES C. M. & ST. P. R. R. PRESIDENT TODAY

Chicago, Nov. 3.—The election of H. F. Bryam, federal manager of the Chicago Milwaukee and St. Paul railroad to the presidency of the road was announced today. He will be succeeded by B. B. Geer, assistant to Hale Holden, director of the central western region of the federal railroad administration.

## WORKER BUREAU FAILS IN EFFORT TO BLOCK QUIZ

Supreme Court Holds That Calling in of Judge Hanley Was Regular

The calling in of Judge J. M. Hanley of the sixth judicial district to hear State Auditor Kositzky's petition for an order giving him entry to the books of the workmen's compensation bureau in the absence of Judge Nusselt, the regularly presiding jurist in this half of the fourth district was upheld by the supreme court today when it declined to issue a writ of prohibition against the hearing of Kositzky's plea by Judge Hanley prayed for by S. S. McDonald of the workmen's compensation bureau.

The opinion of the court, written by Chief Justice A. M. Christensen, holds that a writ of prohibition will be granted to arrest the proceedings of a tribunal, corporate or board only when such proceedings are without or in excess of the jurisdiction of such tribunal or board. In this case it was held that Judge Hanley in common with other district judges possessed jurisdiction in another district, that he was a judge of the sixth judicial district entitled to act as judge in the fourth judicial district upon and pursuant to the written request of one of the judges of said fourth judicial district and that there is nothing in the law which in any manner prohibits judges from acting in a different district from that in which they are chosen. On the contrary, rules the supreme court, the act expressly recognizes the right of the supreme court to call in a judge from another district.

It is contended by officers of the workmen's compensation bureau that their defeat in supreme court in this instance means nothing, inasmuch as the supreme court in a separate action a few days ago held the workmen's compensation fund a special fund and not part of the public moneys of North Dakota. This decision, it is held, will prevent State Auditor Kositzky from examining the books of the bureau under the statute which makes it his duty to examine and audit the accounts of all state officials, boards and commissions which have to do with the collection or disbursement of public funds.

## AGGIES TRIM "U" IN STIFF FIGHT FOR STATE BELT

North Dakota Classic Ends in 7 to 6 Victory For the Farmer Eleven

Grand Forks, Nov. 3.—The Agricultural college defeated the University of North Dakota football team 7 to 6 in the hardest fought struggle since the game of 1914 when the Aggies won by the same score as today's game.

The A. C. touchdown was made in the first quarter by Duernier from a forward pass by Mowald. Duernier ran forty yards for the down. Van Es kicked the goal from the 15 yard line.

# DEVELOPMENTS LOOKED FOR TODAY WHICH WILL CLARIFY SITUATION IN THE CENTRAL BITUMINOUS FIELDS

Operators Announce That Strikebreakers Will Not Be Employed and That No Discrimination Will Be Practiced at Expense of Men Who Have Gone Out—150,000 Non-Union Miners Remain On Job in Pennsylvania and West Virginia

Chicago, Nov. 3.—Developments today in the strike of more than 425,000 soft coal miners throughout the country were expected to clarify the situation to the extent of determining whether production was to be stopped indefinitely in a large part of the bituminous zone, or whether any considerable number of workers were willing to return to work.

No plan has been made for opening any of the mines with imported labor, and old men who return to work are to be treated as though they never had laid down their tools, according to Thomas T. Brewster, chairman of the coal operators' scale committee. No miner will be discriminated against, he said.

Reports from most of the large mining centers indicated that while a large number of mines were to be in shape for the miners to resume work, the operators did not expect many union men to re-enter the mines today.

## GOMPERS SAID TO HAVE WAY TO END BIG COAL STRIKE

Labor Officials Decline to Discuss Rumors Regarding President's Plan

## WILSON OFFER YET OPEN

Chief Executive Still Hopes for Arbitration—Rail Service Is Curtailed

Washington, D. C., Nov. 3.—Labor officials declined today to discuss reports that Samuel Gompers, president of the American Federation of Labor, had suggested a way of settling the coal strike.

Mr. Gompers is in New York and in his absence officers of the federation said there was no one here to speak for him.

Reports were awaited by the government from its agents in the coal fields who have been directed to telegraph immediately all facts bearing on the attitude of the striking miners, and especially whether they showed a disposition to return to work.

At the White House today it was said that President Wilson's offer for arbitration was still open. Meantime preparations for the setting up of a commission on industrial unrest as recommended by the public group in the industrial conference are going forward and the selection of the personnel is expected to be completed by the cabinet tomorrow.

## PASSENGER SERVICE STEEPERS

One of the first effects of the coal strike has been the curtailment of passenger trains on some roads. Director General Hines has given regional directors wide discretion in this matter as they are in a position to survey the coal needs of their respective districts.

Freight service will not be disturbed unless the coal shortage becomes serious. Officials believe that with the stock of coal in transit together with thousands of tons stored at terminals it would not be necessary to curtail this service for several weeks.

## PALMER REPLIES TO MINERS

Attorney General Palmer today in a formal coal miners who protested against the strike injunction that the government stood ready to do everything in its power to facilitate an early end to the strike.

Mr. Palmer's statement made in reply to a telegram from the local union at Glasgow, O., to President Wilson was taken to indicate that no attempt would be made by the government to settle the wage controversy until the strike was called off.

## FINAL VOTE ON RATIFICATION IS DUE THIS WEEK

Senate Hopes to Finally Dispose of Issue in One Way or Another

Washington, D. C., Nov. 3.—A final vote this week on ratification of the peace treaty is proposed in an unanimous consent agreement drawn up for presentation to the senate today by the administration leaders.

Apparently contemplating the possibility of a deadlock over reservations, the agreement provides that after this week the treaty if not ratified can be laid aside.

## JUMP OF MORE THAN SIX CENTS IN CORN TODAY

Chicago, Nov. 3.—Jump of more than six cents a bushel in the value of corn took place today and purchasing took on big proportions. Breaking up of the longshoremen's strike at New York together with increasing anxiety as to whether supplies at terminal markets would be of sufficient volume to fill contracts for December delivery were the chief reasons for the steep advance.

## NO BACK TO MINES RUSH

Chicago, Ill., Nov. 3.—No movement of men back to the mines developed in the early Monday report from the country's bituminous mine fields. A small number of lignite miners in the Burlington, N. D., area returned to work after being on strike one day. This was the only place where reports were received of men reporting for work Monday.

No attempt by operators to work the coal mines in the unionized territory were reported. It was said the operators would make no effort to operate until the miners show a disposition to return to work.

There were no reports of lawlessness from any of the mining fields and the first arrest reported in connection with the strike came from Walsenburg, Colo., where a United States immigration inspector took into custody M. C. Rouse, a Bulgarian miner, charged with having threatened to burn several mines in the district if the miners went to work.

## 150,000 YET AT WORK

While operators admitted that the figures given out by union leaders as to the total number of men on strike were approximately correct, they pointed out that close to 150,000 non-union men were at work in the Pennsylvania and West Virginia fields and that nearly 20,000 union miners were working under contract in Kentucky, signed recently.

Federal troops today were in the mining region of West Virginia, Tennessee, Wyoming and New Mexico under orders to preserve the peace in case disorders arise in connection with the strike. One company of the 32nd infantry also was on its way from San Diego, Calif., to Utah for duty in the coal fields of that state.

## IOWA IN THE DARK

Des Moines, Nov. 3.—Business in some of the smaller Iowa cities were feeling the effects of the coal strike today according to reports received here. Newton was in darkness last night and Indianapolis has curtailed public business and amusements to save fuel.

Reports early today indicated Indianapolis was suffering more than most of the communities schools, theaters and places there being closed. Business houses except drug stores and bakeries are open from eight in the morning until five in the afternoon only.

Electric power is turned on only from 5:30 in the evening until 10:30 at night.

Electric current was turned off at Newton last night to save coal for the use of the city waterworks.

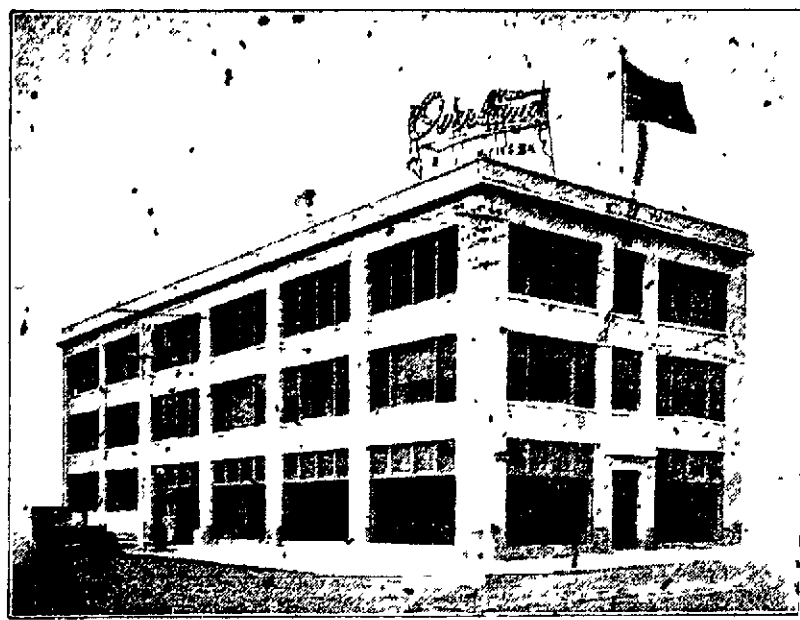
## SATURDAY'S CONFERENCE

After hearing the miners' side of the present strike situation in this state, Saturday afternoon Governor Lynn J. Frazier issued a call to all operators of lignite mines in North Dakota to attend a conference at the capitol Tuesday morning.

The purpose of this proposed meeting is not to discuss the taking over of all mines by the state but to determine if possible a common ground where the operators and miners can meet in settlement of their difficulties and thus alleviate the possibility of closing the lignite mines in North Dakota.

Henry Drennan, president of the twenty-seventh district of the United Mine Workers of America which is advancing.





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May we suggest that you do not delay overhauling your car until the spring rush?

# BISMARCK IS DEFEATED BY VALLEY CITY IN WEIRD FOOTBALL GAME AT THAT PLACE BY SCORE OF 32 TO 3

Locals Fall to Pieces in the First Half and Champions of Southern Part of State Cross Goal Repeatedly—Moses Stars for Locals.

Breaking to pieces in the last part of the first quarter and the first part of the second quarter, Bismarck suffered a crushing defeat at the hands of Valley City high school football team Friday afternoon at Valley City by a score of 32 to 3.

Although the score is overwhelming, Bismarck played a very good game with the exception of the seven minutes in the first half when Valley City ploughed through the capital city's defense, ran around both ends and made gains on every play.

Moses was easily the star for the Bismarck eleven, he making the locals' only goal on a very difficult punt. The lineup was changed somewhat from previous games, Holta going into the backfield and Berndt appearing in the line.

Valley City won the toss and kicked off to Bismarck. Boise and Moses made gains and Cook carried the ball around the end for considerable territory. Valley City got the ball on a fumble and Bismarck, playing strong, held their opponents for downs. Boise then punted to the 20 yard line and Holta made a startling tackle.

From this point Bismarck's defense seemed to crumple. Valley City started from the middle of the field and by end runs and line plunges, carried the ball over the line for the first touchdown.

BISMARCK DEMORALIZED—Still temporarily demoralized, Bismarck got the ball on the kickoff and Boise made a 17 yard run but the gains made were neutralized by the locals being penalized 17 yards. Bismarck then punted to Valley City, and that team soon carried the ball down to the 25 yard line when the first quarter ended.

In the first 40 seconds of the second

quarter, Valley City made an end run for its second touchdown, making the score 14 to 0. Valley City then kicked off again and on a fumble picked up the ball and made another touchdown before Bismarck could collect its shattered and scattered defense. This made the score 20 to 0.

SECOND HALF—Collecting their demoralized ranks, Bismarck received the ball and in spite of penalties plunged through the Valley City eleven and brought the ball down to within the shadow of the home team's goal post. From a difficult angle Quarterback Moses placed the ball between the bars for a place kick, making the only marker for the locals. The score was 20 to 3.

Bismarck kicked off and Valley City, seeking revenge for having its goal

crossed for the first time this season, started plunging through Bismarck's defense. On a fake play, Valley City carried the ball 50 yards down the field for another touchdown, making the score 26 to 3.

In the third quarter, Bismarck kicked off and kept the ball in the enemy's territory all of the time. The locals made their best appearance in the entire game during this quarter, and if the men had played with the same aggressiveness the score, if not the victory, might be entirely different. Eagerly, the fast end, made a 50 yard run for Bismarck which went into the end when the locals were penalized for something.

Bismarck punted and Valley City, getting the ball on the 30 yard line, made gains around the ends and through the line, bringing the ball to the 8 yard line on the first down. From this position they made their last touchdown making the score 32 to 3.

Bismarck in the last quarter held Valley City on the four yard line and

then played seven forward passes, six of which were successful, carrying the ball down to Valley City's 20 yard line, practically the entire length of the field.

Bismarck is scheduled to meet Mandan next Saturday, but it is not believed this game will be played, as the Mandan team has not been practicing. Bismarck defeated Mandan earlier in the season by the score of 59 to 0.

Valley City's victory over Bismarck makes that team the champions of the southern half of the state and means that they will meet the northern champions for the championship of North Dakota.

Yesterday's game was Bismarck's first defeat and also the first time its goal had been crossed this season.

Phone 75—City Fuel Co., for Medora Coal.

## PETERSON FAILS TO GET NAME ON OFFICIAL BALLOT

(Continued From Page One)

The Peterson nominations merely wrote to the county auditor of Towner that the nominating petitions had been received; that they appeared to bear the requisite number of signatures; that the envelope in which the petitions came was stamped with the hour 11:30 a. m. and that it was postmarked at Cando on October 25.

W. T. Moseley, state's attorney of Towner, seems to believe there is some doubt as to whether Peterson got in before the bars were let down. He asked Secretary of State Hall yesterday whether the latter held that the petitions were filed in accordance with the governor's proclamation. Mr. Hall passed the buck to Mr. Langer.

The nomination petitions of D. J. Riesel of Newville, independent candidate for the 22nd district senatorial berth, reached the secretary of state's office at 9 o'clock Saturday morning, and there is no question as to his status. Should the attorney general hold that Peterson filed his petition too late,

it would be necessary for the league candidate to run on "stickers," and only one name would appear on the formal ballot.

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CORWIN MOTOR CO.

## Willard

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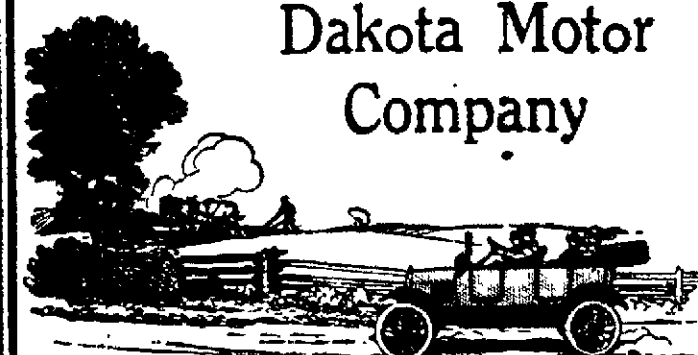


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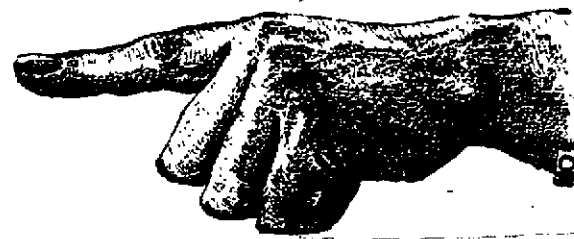
All baking and mixing done electrically in full public view. Seeing is believing! Come to St. Paul and see these shops in operation. See for yourself the quality of merchandise produced. See how it sells. Investigate every way. Get facts now—don't wait till some other enterprising business man gets your territory. Write, wire or phone.

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**LOT No. 1—Serge Dresses, Poplin Dresses, Tricolette Dresses, Jersey Dresses, Silk Dresses** of all kinds and styles. Great four-day sale. This includes Dresses values up to and including \$39.50 at \$24.98.

**LOT No. 2—Dresses** values up to and including \$49.50 in tricotine and all wool serges. These Dresses are beauties, such as the Betty Wales, etc. All must go at \$35.00—very special.

**Dresses** values up to \$50.50—the biggest bargain ever offered in this city at \$45.

**Children's School Dresses** in wool serge, French serge, etc., in the middy blouse styles—trimmed in white, red, and blue braids—all must go at 25 per cent discount.

**Silk Poplin Skirts**, special at \$3.49.

**COATS! COATS! COATS!**—An unlimited amount to choose from—must make room for holiday goods, as we are badly crowded. Come in and look these garments over and if in need of a Coat we are sure you will have no difficulty in selecting one, as we have all kinds, and you will wonder how it is possible for us to offer such bargains, considering quality and style.

**Lot No. 1—Ladies' Cloth Coats** ..... \$18.48

**Lot No. 2—Ladies' Cloth and Plush Coats** ..... \$23.75

**Lot No. 3—Ladies' Cloth and Plush Coats** at ..... \$29.75

**Lot No. 4—Ladies' Cloth and Plush Coats** ..... \$34.50

**Lot No. 5—Ladies' Cloth and Plush Coats** ..... \$42.25

These are the biggest bargains ever offered in the city of Bismarck and we invite you to look them over very carefully.

**OH, GIRLS:** Just what you want and we know it—Georgette Crepe Waists such as Sherr Bros.' Waists, etc.; over 500 to choose from. Every Georgette Crepe Waist in the store—we reserve none. Values up to \$6.98. This Great Sale, your choice \$4.98.

Every Georgette Crepe Waist in the store, values up to \$8.98, at this Great Sale \$6.75.

Every Georgette Crepe Waist in the store, values up to \$15, this Great Sale \$9.98.

We have only a handful of these Crepe de Chine and Georgette Waists left; regular price \$4.98, to close out at \$2.98.

We always sell goods as we advertise them.



**SKIRTS**—One small lot of all wool serge Skirts—this sale at \$4.25.

**MILLINERY! MILLINERY! MILLINERY!**—At one-half regular price. This includes every hat in the store.

One small lot of slightly soiled Corsets at one-half regular price.

**Slip-over Wool Sweaters** at, special \$3.98—wonderful bargain.

**Ladies' All Wood Hose**—the latest thing in Hosiery—just the thing for low shoes; this sale 89c.

**Pure Silk Hose** in seconds; regular \$1.25 values, at this sale 75c.

One lot of Children's Hose, to clean up at 29c.

**Ladies' and Misses' Fleece Lined Union Suits**; only four suits to a customer; special at 98c.

**Ladies' Gloves** in chamoisette; special at 98c.

### BARGAIN BASEMENT STORE SPECIALS

**Bungalow Aprons**, values up to \$2.50; this sale 98c.

**Crash Toweling**, with red border; special at 11c per yard.

**Huck Toweling** with blue border at 19c per yard.

**36 inch Muslin**, regular 39c values; special at 29c.

**Bed Spreads** at 20 per cent discount.

**Pillow Cases** at 10 per cent discount.

**Turkish Towels, Bath Towels, Huck Towels**—all at 10 per cent discount.

One small lot of Dress Ginghams at 29c per yard.

**Special—27 inch Percales** at, special, 23c per yard.

**27 inch Percales** at, special, 23c per yard.

**36 inch Percales** at, special, 29c per yard.

**Challies**, special 25c per yard.

**Sateen**, 36 inch, all colors, special, 49c per yard.

**36 inch Seco Silk**, regular 65c quality, sale price 49c yard.

**36 inch Novelty Laces**, special clean up sale 49c per yard.

**27 inch Gray and Pink Flannel** at 25c per yard.

**27 inch Outing Flannel**, special at 19c per yard.

**36 inch Plaid Dress Goods**, special at 69c per yard.

**32 inch Plaid Dress Goods**, special at 39c per yard.

**16c Cheese Cloth**, sale 12 1-2c per yard.

**12 1-2c Cheese Cloth**, sale 10c per yard.

One big table of Waists, special at 98c. Better get one or two of these while they last.

## JOHNSON'S POPULAR PRICED STORE

*Bismarck's Garment Shop*

STORES AT BISMARCK AND GRAND FORKS

**DON'T FORGET**—That during this Great Sale we will not send any merchandise out on approval, will refund no money; all sales must be for cash only, and we cannot exchange garments and no telephone orders will be filled. Each sale must be final.

**SPECIAL**

**SPECIAL**

**SPECIAL**

**SPECIAL**

Just received, a large shipment of Baby Shoes—all colors and sizes; prices low.





# AFTER THE WAR PROBLEMS WILL OCCUPY N. D. E. A.

Flickertail Educators to Decide  
What Country Must Do  
to Be Saved

## SESSIONS OPEN ON FIFTH

Minot, N. D., Nov. 3.—The problems confronting educators during the reconstruction period will be the general theme of the 32nd annual meeting of the North Dakota Education association, which will be held in Minot on Wednesday, Thursday and Friday, Nov. 3, 4 and 5.

This is the first meeting since 1917, last year's meeting being called off owing to the influenza epidemic that prevailed when the educators were to convene here a year ago. The problems that last year's meeting would have discussed had the meeting been held were vastly different than the problems confronting the educators today with the war ended. The program for this year's meeting has been arranged so as to assist the teachers of North Dakota in meeting the post-war conditions in their respective communities.

President O. T. Carson of Columbus, Ohio, and Mrs. Thos. G. Winters of Minneapolis, will be the principal speakers. Other speakers at the meetings will be President Thomas F. Kane of the North Dakota university, President E. Lee Howard of Fargo; President C. E. Allen of Valley City; President S. T. May of Dickinson; R. M. Black of Ellendale, president of the association, and Miss Minnie J. Nielson, state superintendent of public instruction.

### First General Session

The first session of the general association will be held at 2 o'clock Wednesday afternoon. All meetings of the general association will be held in the auditorium of the new Minot high school, which has a seating capacity of almost two thousand. Between 1,000 and 2,000 are expected to attend the meetings.

While the association is in session the County Superintendents' association as well as the subsidiary organization of the North Dakota Educational association will hold their annual meetings.

The higher and professional education branches will meet in the Methodist church Thursday and Friday afternoon. The officers of this division are: President, C. C. Schmidt of the North Dakota university; vice-president, J. E. Switzer of Valley City, and secretary, W. B. Thomas of Jamestown. Speakers at the meetings of this division will be E. Lee Howard of Fargo; C. E. Allen of Valley City; W. B. Thomas of Jamestown; P. Hollis of Fargo; E. P. Robertson of Grand Forks and President Kane of the University.

The secondary education division, officiated by President R. A. Truhey of Lidgerwood, vice-president Martha Fulton of Wahpeton and Secretary Hortenz Moore of Bismarck will meet in the Presbyterian church on the afternoon of Thursday and Friday. The speakers will be W. G. Goddard of Kenmare; I. T. Smiley of Rugby; I. W. Smith, Agricultural college, Fargo; A. G. Crane of the Minot normal school; R. C. B. Tighe of Fargo; J. H. Bradley of Velva; J. W. Thornton of Hunter; and Ole Dickson of Dickinson.

### Elementary Division

The elementary education division, officiated by President Katherine Gallagher of Grand Forks, vice-president Mrs. Ethel Mertz of Wahpeton and Secretary Jennie Carline of Fargo, will meet Thursday afternoon at the high school. The speakers to address this division will be M. Helen Dames of Grand Forks; Johanna G. Soland of Minot; Joseph Kennedy, University; Geo. P. Wolfe, Wahpeton; John W. Todd, University; E. J. Taylor of Hutchinson; Geo. A. McFarland, Williston; and Everett Davis of Minot.

The rural school education division of the association will hold its meeting in the high school assembly room Thursday and Friday afternoons. The officers of this division are President O. A. Barnes of Fargo; vice-president A. M. Waller of Minot and Secretary Nora Maalen of Minot. The speakers billed to address these meetings are Miss Beatrice Johnstone of Grand Forks; O. A. Barton of Fargo; Mrs. Jean McNaughton Stevens of Towner and Miss Minnie J. Nielson. On Friday afternoon this division will have

# JUST A KING AND QUEEN CALLING AT WHITE HOUSE

And Mrs. Wilson Greets Her Royal Guest With a Wholly American Hospitality



Washington, Nov. 3.—When King Albert and Queen Elizabeth of Belgium called to pay their respects at the White House, the wife of the President met them at the door in democratic fashion.

a general discussion on the subject, "The Community."

The school administration division, officiated by President J. G. Gundersen of Aneta, vice-president E. W. Gehrke of Adams and Helen J. Sullivan of Bismarck, will meet in the Baptist church on Friday afternoon and will hear addresses by J. G. Gundersen, E. J. Taylor of Hankinson, and Miss Minnie J. Nielson.

### Science and Mathematics

The science and mathematics division, officiated by President H. E. Simpson of Grand Forks, vice-president J. B. Meyer of Valley City and Secretary Clara Stubble of Grand Forks, will meet on Wednesday and Thursday mornings in the high school assembly room. Melvin R. Gilmore of Bismarck will give an interpretation of Indian life in relation to the geography and the native plants and animals of North Dakota on Wednesday morning. The meeting will also have discussions. Thursday morning's session will be given over to round table discussion with P. S. Berg of Dickinson in charge.

The history, civics and social science division, officiated by President W. N. Stearns of Fargo, vice-president A. M. Tolichson of Garrison and Secretary Hazel B. Nielson of Fargo, will meet in the Normal school and will be addressed by Miss Hazel Nielson, C. M. Correll of Mayville, W. J. Trimble of the Agricultural college, E. T. Towne of the University, R. C. B. Tighe of Fargo, J. T. Fuller of Ellendale, and W. M. Wehner of Valley City. The sessions of this division will be held on Wednesday and Thursday morning at the Normal school.

The music education division, officiated by President Eugene Woodhams of Valley City, vice-president E. Holston of Fargo and Secretary Blanche Leigh of Grand Forks, will meet at the Normal school on Wednesday morning but the list of speakers for this division is not available.

Teachers of English will meet at the Methodist church on Wednesday and Thursday mornings. The speakers will be Miss Susan McCoy, Valley City; G. V. Newcomer, Minot; Miss E. Gill, Williston; A. E. Minard, Fargo; H. A. Kamp, Crosby; Vernon P. Squires, University; Miss Abbie L. Simmons of the Agricultural college. The officers of this division are President Julia McDonough, vice-president Abbie Dixon of Dickinson and Secretary Hilda Taylor of Jamestown. The principals of graded, consolidated and third class high schools, officiated by President Geo. Meyer, Turtle Lake; vice-president L. L. Brown of May; Secretary C. E. Pickles of Plaza, will meet on Wednesday morning and Thursday afternoon in the Normal school gymnasium and will hear the president's address. J. M. Bold, of Glen Ullin; Wm. F. Clark, Minot; C. C. Schmidt, University; Leonard L. Brown, Balfour; T. A. Gustafson of Starkweather.

### Agricultural Department

The teachers and officers of agricultural schools and departments whose officers are: President J. H. Seymour of Valley City, vice-president E. J. Taintor of Grafton and Secretary Ward Worstell of Carrington, will meet on Wednesday and Thursday mornings at the Normal school and hear addresses by G. E. Wilson of Mayville; G. W. Randlett of Fargo; C. J. N. Nelson of Bowman; H. L. Walster, Agricultural college; G. A. Bricker, Wahpeton; C. G. Carlson, Agricultural college.

On Wednesday and Thursday mornings the Parent Teachers' league of which Glen McLeilan of Fargo is president and F. L. Moe of Hillsboro is secretary will meet at the Normal school and hear S. T. May of Dickinson, J. M. Devine of Mandan; Superintendent Arthur Deamer of Fargo; and Miss Lillian Toppling, superintendent of the Florence Crittenton home at Fargo.

The manual training division will hold its session at the Normal school on Thursday morning.

The home economics division, officiated by President Ella Greenewald of Grand Forks; vice-president Eleanor Bryson of Grand Forks and Secretary Isabelle M. Perry of Litchville, will meet at the Normal school on Wednesday and Thursday morning

and hear Julia B. Hatz, University; Mrs. Adel T. Peck of Minot; Tilda R. Axtveit of Ellendale; Inez Holm, Agricultural college, and Kate North, Agricultural college.

The modern languages and Latin division meets at the high school on Wednesday and Thursday mornings to hear Nellie Owen of Minot and Frances Coyak, of Fargo.

### Superintendents to Meet

The city superintendents will meet at the Ellis hall on Thursday morning to hear C. L. Love of Mandan; Norman Koontz of Jamestown; L. A. White of Minot; R. B. Murphy of Grafton; and O. T. Carson of Columbus, Ohio.

On Nov. 3 and 4, the two days preceding the meeting of the N. D. E. A., the Ward County and McHenry teachers' institute will be held at the Minot normal school.

Secretary W. E. Parsons of the association has announced that the normal schools will all have their reunion meal at 5:30 o'clock on Wednesday, while the universities and colleges will hold their meetings at 5:30 o'clock on Thursday evening.

Minot homes have been placed at the disposal of the Association of Commerce, which has charge of securing accommodations for the visiting educators and it is believed all will be taken care of comfortably.

## LABOR MEN ASK 1,000 SEATS ON LONDON BOARD

Hot Municipal Election Being  
Waged in British Capital  
Today

London, Nov. 3.—Elections are being held today for the town councils in the town provinces and four borough councils in London. These councils control municipal affairs, such as road building, sanitation and lighting. The elections are usually held triennially, but have not been held since 1912, owing to the war.

Three parties are in the field, moderate, progressives and laborites. The laborites are waging an active campaign. They have 1,000 candidates for the 1,200 London seats. Their program demands measures to arrest profiteering by extension of municipal trading in foodstuffs and coal, bringing public service under municipal control and effective housing schemes and increased powers generally for borough councils.

Another feat of the campaign is the great part taken by women, who have some 250 candidates in the field. By the reform act of 1918 more than 8,000 women were entitled to vote in the London area and their influence provokes lively interest.

## Ellendale Farmer Turns Tables on Race Hoss Touts

Henry C. Gibson, Once Duped  
for \$1,000, Gets Men Who  
Would Repeat

Minneapolis, Nov. 3.—Henry C. Gibson, farmer of Ellendale, N. D., was victimized out of \$1,000 three years ago by the fake race horse swindle game. When the second attempt was made to entice him to bet \$5,000 on a horse race with the promise that he would make a killing he proved to be the "wise" one and the alleged swindlers the "stuckers."

As a result of Gibson's knowledge, Max Brooks of Minneapolis is in jail charged with an attempt to swindle. He was arraigned in court this morning, waived examination, was held to the Hennepin county grand jury under \$5,000 bail.

When approached with the rare betting scheme this time Gibson told the swindlers he would be back tonight. He was—with a policeman.

## CHINOOK SALMON WILL HELP REDUCE H. C. OF L.

Salmon Idaho, Nov. 3.—Housewives and other residents of Salmon and towns along the Salmon and Lambi rivers, expect to cut corners on the high cost of living this winter.

Chinook salmon, from the Pacific ocean traveling nearly 350 miles, came to this district this year to

## SENATE COMMITTEE WOULD CONTINUE U. S. SUGAR REGULATION

Washington, Nov. 3.—By a vote of 9 to 2 the senate agricultural committee today ordered a favorable report on the McNary bill to continue the United States sugar equalization board during 1920 and to authorize it to buy sugar crops next year.

When the run began, a great many householders helped themselves and when women in other parts of the country were preserving fruit, local wives were putting up salmon.

Officers of the Salmon national forest have estimated that at least 7,000 pounds of fish was obtained to help Salmon folks cut down the meat bills.

Officers of the Salmon national forest have estimated that at least 7,000 pounds of fish was obtained to help Salmon folks cut down the meat bills.

## HELP FOR MOTHER A mother whose strength is over-wrought or who is thin, pale or nervous, should find renewed energy in every drop of

## SCOTT'S EMULSION

Let it help turn your daily  
tasks from a burden to pleasure  
Scott's Emulsion is abundant  
in these nourishing elements  
that every mother  
in the land needs.

Scott & Borne, Bloomfield, N. J.

# VICTROLA

The instrument specially made  
to play Victor and Victrola Records

"What artists make records for it?"  
That indicates the quality of a talking-machine as a musical instrument—upon that depends the pleasure you will get from it.

The Victrola brings to you the greatest artists of all the world—and they make records for the Victor Company because they are convinced that only Victor Records do full justice to their art; that only the Victrola brings that art into your home in all its beauty.

Such fidelity of tone is possible only because Victor Records and the Victrola are scientifically coordinated and synchronized in the processes of manufacture. They should be used together to secure a perfect reproduction. That is the way for you to hear in your own home the superb interpretations of the greatest artists exactly as they themselves heard and approved their own work.



Victrola XVII, 5300  
Victrola XVII, electric, \$365  
Mahogany or oak



There are Victrolas in great variety of styles from \$25 to \$950. Victor dealers everywhere.

New Victor Records demonstrated at all dealers on the list of each month.

Victor Talking Machine Co., Camden, N. J., U. S. A.

# Fatness Kills 31,000 Yearly

A fat man is a man who is not fit. He is a man who is not fit to live. He is a man who is not fit to work. He is a man who is not fit to fight. He is a man who is not fit to love. He is a man who is not fit to be a man.

It is a fact that fatness is a disease. It is a disease that kills. It is a disease that is caused by eating too much food. It is a disease that is caused by not exercising. It is a disease that is caused by not living a healthy life. It is a disease that is caused by not taking care of your body. It is a disease that is caused by not taking care of your mind. It is a disease that is caused by not taking care of your soul. It is a disease that is caused by not taking care of your life. It is a disease that is caused by not taking care of your future. It is a disease that is caused by not taking care of your destiny. It is a disease that is caused by not taking care of your fate. It is a disease that is caused by not taking care of your luck. It is a disease that is caused by not taking care of your fortune. It is a disease that is caused by not taking care of your happiness. It is a disease that is caused by not taking care of your peace. 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**MUSICAL INDIANS HELD REUNION IN CITY LAST WEEK**

Two Indians, musicians of great ability, met Saturday after a separation of many years. One of the Indians, John Kuhn, played the huge Sousa-phone in Sousa's band and the other was Robert Bruce of Selfridge, the man who launched Kuhn on his professional career with the Philadelphia Philharmonic Band when Kuhn was but 18 years old.



**ROBERT BRUCE**  
Standing Rock Sioux Band Director. Soloist and Composer, who Met Famous Protege With Sousa's Band

while Bruce was in the school band. Standing on the corner of Broadway and Fourth street Saturday shortly before the matinee concert of Sousa's band, Kuhn saw a man hobbling across the street as fast as his wounded body would permit, with right hand outstretched. It was Bruce, who had made the trip from Fort Yates, particularly to meet his old college chum and talk over the days when they both appeared in bands together.

The two Sioux had a long visit and it was a sorrowful Bruce that stood on the station as the train bearing Kuhn and the other members of the band departed for the west.

Kuhn has been with Sousa for three seasons, and Lieut. Sousa says that the big Sioux is undoubtedly the most accomplished performer on the huge Sousaphone of any in the country. This instrument was invented by Mr. Sousa several years ago and has become an important part of every prominent band. It has a very deep tone, being the base of the brass instruments.

Bruce and Kuhn have played together in the United States marine band, Kryn's Ennis and other famous organizations. They were offered a nice contract for this winter in vaudeville, but Kuhn is tied up with the Sousa organization for two years.

Bruce formerly was leader of the standing Rock band at Fort Yates. He also directed the Fort Peck band at Poplar Mont. To him was given the honor of playing the "Inflammatus" for President McKinley upon the celebration of Longfellow's birthday anniversary in 1901 only a short time before McKinley was assassinated.

In addition to being rated as one of the best leaders and euphonium and trombone soloists in the country, Bruce is a composer of merit, and his "Sioux Country Pioneer March" has had a wide distribution.

**SOUSA'S BAND CAPTIVATED AUDIENCE SATURDAY NIGHT WITH A BRILLIANT PROGRAM OF OLD AND NEW SELECTIONS**

**"Showing Off Before Company" Is Big Hit of Evening, with Some of the Latest Compositions Rivaling Those Popular for Years**

Offering a program containing many of his latest compositions liberally sprinkled with his older marches, John Philip Sousa and his band of 65 artists captivated musical Bismarck Saturday at the evening concert at the auditorium.

From the moment Lieut. Sousa appeared on the stage to the Star Spangled Banner which terminated the concert, it was distinctly a Sousa night. The many numbers easily merited the continuous applause they received from the appreciative audience.

"Showing Off Before Company," a mixture arranged by Sousa, was one of the brightest offerings ever developed for band work. It opened the second part of the program, bringing back on the stage in groups the various instruments composing the bands, giving each individual member an opportunity to "show off before company." Very cleverly arranged, it was the distinctive hit of the evening.

Stepping down for a moment from his throne as "March King" Sousa has composed what should be known as "America's Funeral March" which he has named "The Golden Star." Dedicated to Mrs. Theodore Roosevelt it is a Chopin-like musical interpretation of the anguish which wracked many a mother's heart in this country because of son's death overseas. Sousa makes good use of the flexibility and range of the various instruments and thru the subtle development of contrasts brings out a mother's sorrow and agony then her joy and praise at knowing her son, the dead died as a true American should die—for his country.

**ARTILLERY MARCH**  
Of his newest creations, "The Field Artillery March" undoubtedly was the most popular with Saturday night's audience. This should in time join that select circle such as "Stars and Stripes," "El Capitán," "King Cotton," and others of Sousa's older marches. Another late composition which met with instant favor was "Bullets and Bayonets."

Miss Florence Hardeman, the violin soloist, was wonderful in her artistry and showed a technique that is very seldom equaled in her "Witches Dance." A number that can be spoiled by one false note in this difficult fingering, Miss Hardeman swept thru the composition with a sureness and perfection that captivated. Her rendition of "Victuaries" "Polonaise Brillante" was excellent and her second encore was the "Souvenir" with harp accompaniment.

Miss Mary Baker, singing "Moonlight and Starlight," gave a brilliant performance showing with what marvelous control her voice is trained. Miss Baker sang two of Sousa's song hits, "Fanny" and "Our Boys Are Home Again."

**COMPOSED 300 PIECES**  
Many people in the audience were surprised at Sousa's should compose songs as well as marches, but they do not know that altho he is best known as the "March King," Lieut. Sousa is really one of the most prolific composers in America. With over 300 compositions to his credit, the big majority of them equal to his more favorably known marches, Sousa has tried his hand in almost every department of musical composition.

For instance there are ten operas which bear Mr. Sousa's name, some of them, such as "El Capitán," having been extremely successful. The march by that name is a part of that opera.

Altho his father was very musical, a member of the marine band of Washington, Lieut. Sousa is not a believer in hereditary influences in the work of an artist. "My father never intended making music his profession," said Mr. Sousa during the interval Saturday night, "he was driven into it because he could find nothing else to do to provide for his family."

The "March King's" father was a player of the trombone and the cello, but on neither instrument, says Lieut. Sousa, was the elder Sousa especially accomplished. Because he is not a believer in hereditary influencing the next generations, Lieut. Sousa is not so sure that his grandson, who is more interested in America's favorite band director than the applause his compositions receive, will not become a better bridge builder than a musician.

**BELIEVER IN INSPIRATION**  
Mr. Sousa is equally interesting on the subject of inspiration of which he is a firm believer. When asked if he found it very difficult to compose his earlier numbers, Lieut. Sousa said:

"When I am writing a new march, or other composition, there is something inside of me that makes me do it. I have no control over it. It is entirely an outside influence. Something, somewhere, has put that idea in my body and that idea trickles out thru my fingers to become a march, an opera, a song."

"I am firmly convinced that whenever anything must be done, there is a power that places within us the ability to do that thing," continued Mr. Sousa. "Such genius as was contained in Shakespeare, in Tennyson, in Wagner, in Gounod, in Thomas was placed there for the expressed purpose of having that genius turned into something material like music, or literature, or painting, or sculpture so

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that all the world could share its beauty.

"In my own humble way, the same is true. America needed an expressive music, something that was characteristic of our nationality, our mode of living and I was chosen to put that expression into marches. It is not a question so much of ability as it is what some artists call 'the divine spark.' Without it there would be no really great compositions."

**"Government By Injunction" Has Come When Court Denies Citizen Due Judicial Process**

(Continued From Page One)

the expression of the reasons for dissenting, in order that the basis for the dissent may be clear.

"I dissent from the majority opinion and from the ultimate disposition of this case upon the grounds, first and secondly of lack of jurisdiction in this court; and second and primarily on the ground of the improper method of conducting the trial; OR, TO SPEAK MORE ACCURATELY UPON THE GROUND THAT NO TRIAL HAS BEEN HAD."

**BUT ONE SLENDER THREAD**  
"Of the allegations in support of 'jurisdiction,' says the justice, after reviewing a number of decisions which will disclose that this court has consistently refused to exercise its original jurisdiction through prerogative writ where the questions presented involved merely the private rights of litigants or applicants." "The only one which in my judgment, which tends in the least degree to support it is that with reference to the usurpations of the powers of the public examiner by the banking board. This may perhaps be brought to involve governmental franchise of the state in that it concerns the prerogatives of an office created by the legislature for the protection of the public. But assuming that this allegation does not present a sufficient cause for original jurisdiction, it does not follow that this court should make of that jurisdiction as fact a drag-net to draw to it the entire controversy. It could readily determine the jurisdictional matter and the cause would remain for trial on the other features, if the plaintiffs should desire to press the same before the district court. In other words, if it should be determined that the banking board had no authority to appoint a receiver, then the possession by the public examiner is in every way legal; but if it were determined the banking board had the authority to appoint a receiver, then there would remain for consideration the question as to who ought to have possession of the bank, pending the determination of the further issues raised by the allegations on one side of official misconduct by the banking board, the conditions of the bank, etc., and the denial on the other. Upon such issues the final judgment in the case would necessarily be based. After the determination of the preliminary jurisdictional question, then, the case resolves to one involving merely private rights, and it should be dealt with accordingly."

"There can be little doubt upon the record before this court in the present case that the primary purpose of this action is to redress a private wrong, and that it falls directly within the class which the above authority" (quoting a Wisconsin decision on a case which is identical) "says will not be entertained. It will be noticed that the judgment here provides even for the taxation of costs in favor of the so-called relators, thus recognizing the private character of the litigation."

**PRACTICAL EXPEDIENCY**  
"It is, of course, well known to the majority that applications are frequently made to this court where the members have the gravest doubt as to whether the controversy justifies its interposition by prerogative writ, and that in such cases it has become the custom to reserve all questions of jurisdiction. And they are also familiar with the further fact that in the great majority of such cases opposing parties and counsel were equally interested in obtaining a decision of the questions involved and realized that until decided by the opinion of this court three could be no satisfactory determination of the matter. In such situations the cases are of no importance whatever as precedents for the proper exercise of jurisdiction. BUT, ON THE CONTRARY, THEY MAY AND DO REPRESENT ONLY THE EXTENT TO WHICH THIS COURT WILL GO IN THE INTEREST OF PRACTICAL EXPEDIENCY."

**BANKING BOARD HAS AUTHORITY**  
"I have not the least doubt that the banking board, under our statutes, has authority to appoint a receiver for a bank, who, when appointed, may hold possession of the bank until he is succeeded by a receiver appointed by a court or removed by the authority that appoints him. I disagree entirely with the majority in the construction of Chapter 53 of the session laws of 1915, wherein they hold that chapter to repeal by implication those provisions of Sections 5140 and 5183, compiled laws of 1913, which specifically authorize the banking board to appoint receivers." Quoting the sections referred to Justice Birdzell says "It will be noted that all the discretion the state examiner has in such matters is to be exercised WITH THE APPROVAL of the banking board."

**DENIAL OF JUDICIAL DUE PROCESS**  
"The question of transcendent importance in this case is not the question of jurisdiction or the related matter of the construction of the statute. This case has been heard upon affidavits merely; and that over the protest of the defendants, who were all the time insisting upon their constitutional rights to a trial according to due process of law before the rendition of final judgment. But the majority denied the requests considered the case submitted and proceeded to render a final judgment involving the decision of the issues of fact. Compared to a denial of judicial due process, all other questions are as chaff

have searched in vain for any precedent for such action. My researches have failed to bring to light any case where a court of last resort has held to be proper the rendition of a final judgment based upon a trial by affidavit had upon the return of an order to show cause. On the contrary, it appears that the very few times such proceedings have found their way to appellate courts they have been promptly held to be erroneous.

"Of course if it is proper practice to determine the merits of an injunction suit in this court by proof limited, over the protest of one of the parties, to affidavits, it would clearly be the proper practice in the district courts. To my mind the error is fundamental and far-reaching. It strikes at the very foundation of judicial due process of law. Can it fairly be said that a hearing at which no witnesses were sworn in open court on behalf of the plaintiffs at which no opportunity was afforded for cross-examination of the persons whose ex parte affidavits the court takes as proof of the facts alleged in the complaint and at which the defendants are denied the privilege of subpoenaing witnesses in their behalf is consistent with the law of the land as mentioned in Magna Charta and which with us is commonly expressed as the law that hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial?"

"I am sure that this court would not hesitate to condemn the exercise of arbitrary power by the other departments of government, and this fact affords a weighty reason why it should not transgress beneficial constitutional safeguards. The legislature has not attempted to prescribe any new or different mode of trial applicable to an injunction suit than that which originally obtained. This court should not lend its sanction to a mode of trial that could not constitutionally be prescribed by the legislature."

**"WE KNOW NOT—"**  
"The issues in this case were important. We know not what the evidence might have been. No emergency can justify the denial of a trial in a court of justice. If an emergency arises final judgment might better be suspended than rendered upon insufficient hearing. I can conceive of no judicial function calling for greater delicacy in its exercise than passing judgment upon the good faith, the motives or even the wisdom (if this is ever permissible) of executive officers in the exercise of executive or quasi-judicial powers and speaking for myself I shall positively refuse to do so except after a full hearing at which opportunity shall be given to swear and examine witnesses in their behalf and to cross-examine the opposing witnesses."

"A man who puts state upon proof of the commission by him of the slightest offense has this constitutional measure of protection and I know of no reason why it should be denied officers elected by the people who are accused of the grave offense of wilful

rud wanton breach of official duty. It is no answer to say that a trial of the very issues raised by the complaint and the answer might of itself have the effect of inflicting irreparable injury upon the plaintiffs. If considerations of this character are once made controlling to the extent of precluding trials, then government by injunction will become the accepted rule, instead of the obvious exception."

"To dispose of this case without trial on the supposition that a trial itself would deprive the plaintiffs of the benefit of a favorable decision if one were ultimately reached is of course to prejudice the entire merits of the controversy or rather to dispose of the case as the merits lay all on one side, and this without a full inquiry as to whether such be the law and the fact."

"Perhaps the defendants merit the censure expressed by the majority; perhaps they have been guilty of the matters found against them, but I can not find it in my conscience to say so judicially in the absence of a trial conducted according to the principles of Anglo-Saxon jurisprudence."

"So far as the plaintiffs are concerned it is to be hoped that the conclusion of the bank such as to justify the reopening which closely followed the announcement of the majority opinion. Possibly an immediate trial on the merits might have given added assurance as to the correctness of the findings which are now based on



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a showing only sufficient for a prima-facie case required for a temporary injunction. Viewing the matter as I do I can only regard the final judgment as being void for lack of a trial conducted in accordance with due process of law."

"The final judgment should be set aside and the case should either be held in abeyance upon proper application or referred to a district court for trial on the merits."

L. E. BIRDZELL.

**COUNTRY CLUB MEETING**

The annual meeting of the Bismarck Country Club will be held at the Commercial Club rooms at 8 o'clock Monday evening, November 3, 1919, at which time new officers and directors will be elected for the next year. Also arrangements will be made for the annual ball for New Year's Eve.

H. S. DOBLER, Secretary.

**KARL KLEIN HERE**  
Karl Klein of Washington, one of the Missouri valley's best known musicians, is spending the week-end in Bismarck. He reports that "King John"

**Real-Fruit Desserts**

Jiffy-Jell is flavored with fruit juice essences in liquid form, in vials. A wealth of fruit juice is condensed to flavor each dessert. So it brings you true-fruit dainties, healthful and delicious, at a trifling cost. Simply add boiling water. Compare it with the old-style gelatine desserts. It will be a delightful revelation. Get the right kind—

**Jiffy-Jell**  
10 Flavors, at Your Grocer's  
2 Packages for 25 Cents

**AUDITORIUM**

Two Shows ..... 7:30 & 9:00  
Admission ..... 30c and 55c  
(This includes the war tax)

Two Nights, Starting  
**Monday, Nov. 3**

**MYSTERY and THILLS**  
in **BAYARD VELLER'S**  
Most Mysterious of All Mystery Plays



**"The 13th Chair"**

WHICH RAN OVER A YEAR ON BROADWAY

**PHEW!** That's the way the last reel has been run and you are released from your pitch of excitement

**AUDITORIUM**

Wednesday, Nov. 5th  
One Night—Curtain ..... 8:15

**Good Night! Lights Out! The Fun is On**

**UP IN MABEL'S ROOM**

presented by A.H. WOODS  
A HIT WITH THE PRESS  
A HIT WITH THE PUBLIC

As Full of Laughs as the Ocean Is of Salt  
The identical production in every particular as seen in New York at the Eltinge Theater for one whole season.

An Incomparable Cast Including:

Julie Ring	Sager Midgley
Dorothy Fox Slaytor	James Norval
Dorothy Blackburn	Nicholas Judels
Carewe Blackburn	Frederic Clayton
Jeanette Bageard	Jos. A. Bingham

PRICES: 55c, \$1.10, \$1.65, \$2.22  
Seats at Harris & Co. Monday  
ORDER YOUR SEATS EARLY AND ON THE WAY.







## Meet Your Employer in Our Classified Columns

**Classified Advertising Rates.**  
**From Strictly Cash.**—No copy without remittance attached will be inserted.  
 First insertion, 25 cents; additional insertions without change of copy, 15 cents. Advertisements containing more than 25 words will be charged at the rate of two cents a word for each additional word.  
 Copy for Classified Advertisements, to insure proper insertion, must be in this office before 10 a. m. of day of publication.

## HELP WANTED—MALE

WANTED AT ONCE—Brickmason, 41 per hour. W. J. Curran, Valley City, N. D.  
 11-3-19k  
**GENUINE CLEANSER**—4,000 needed. \$1140 yearly. Age 18 upward. Examinations in Bismarck November 15, December 10. Desires salary \$11-11-19k  
 For free particulars, write Raymond Terry (former Civil Service Examiner) 137 Continental Bldg., Washington, D. C.  
 11-3-19k

WANTED—First class window trimmer and salesman for high grade clothing store. Give full particulars in first letter. No. 44, Tribune. 10-31-19k

**LEARN THE BARBER TRADE**  
 Big demand for barbers, big wages, easy work. Few weeks complete, expert instruction. Time and expense saved by our method. We have tested the test for 27 years and is the only reliable up to date institution of the kind in the northwest. Write at once for free illustrated catalog. Moier Barber College, 107 E. Nicollet Ave., Minneapolis, Minn. 11-11-19k

**LEARN ACTUAL AUTO REPAIR, VULCANIZING.** Los Angeles Y. M. C. A. Auto School. 11-1-19k

**HELP WANTED—FEMALE**  
**STENOGRAPHERS**—There will be an evening class in advanced shorthand speed practice, civil service and court reporting, beginning Monday evening, Nov. 3, at 8 o'clock, at the Business College. See Professor Jack. 10-27-19k

WANTED—Competent girl for general housework. Two in family. 513 Avenue A. Mrs. E. H. L. Tesperman. 10-25-19k

WANTED—Girl to wait on table, experienced. \$40 per month. Spiro Tailor Shop. 10-20-19k

WANTED—Girl for general housework. 311 4th St. Phone 248. 10-21-19k

WANTED—School girl to work for board and room. Write Box 198. 10-28-19k

WANTED—Wash woman to come to house once a week. Phone 284. 10-28-19k

WANTED—Cook, chambermaid and dishwasher, good wages. Box 53, Medora, N. D. 10-29-19k

**FOR SALE OR RENT—HOUSES AND FLATS**  
 HOUSE FOR SALE—One of the nicest houses in the River View Addition, six rooms, reception room and bath, full basement, hardwood floors throughout, hot water pipes connected with furnace, excellent finish on the inside. This is one of the best bargains in the city of Bismarck. It should be priced at \$8,000; for quick sale, \$5,500; half cash. Possession given on Nov. 3. J. H. Holman, Lucas Block, Phone 745. 11-3-19k

HOUSE FOR SALE—House of six rooms and store room, modern except heat, cottage style, location one of the best in the city. If sold at once price, \$20,000; \$700 cash. This is a real bargain. J. H. Holman, Lucas Block, Telephone. 11-3-19k

FOR SALE—House of ten rooms and bath, large valuable lot worth \$3000. This will be valuable property in the short time. Price, \$3700. Address Lock Box 211, Bismarck, N. D. 11-3-19k

FOR RENT—Modern room in furnished house, suitable for two girls. 11-3-19k

FOR SALE—Two houses, quite a reduction for quick sale; reasons for selling is to take up farming. Block 200, 2nd St. South. Address Mrs. Nellie Nickelson, owner, or phone 507K. 11-3-19k

FOR SALE—Six room modern house with garage for \$3500. Geo. M. Register. 10-26-19k

FOR RENT—Apartment, five rooms, \$15 per month; fuel, light, water, coal for range, furnished. Renter to care for furnace. J. K. Doran, 323 1st St. 10-28-19k

FOR SALE—Eight room modern house, 4 bed rooms, no water heat, and situated close in. Geo. M. Register. 10-26-19k

**ROOMS FOR RENT**  
 OFFICE ROOM FOR RENT—A large steam heated office room on Fourth street. Office purposes only. 11-3-19k

FOR RENT—Two rooms for light housekeeping; also one single room. Call 219 Second St. 11-3-19k

FOR RENT—Large warm room in modern house for gentleman. 321 8th St. Phone 855. 11-3-19k

FOR RENT—Two rooms for light housekeeping. 512 4th St. 11-3-19k

FOR RENT—Excellent warm modern rooms for light housekeeping. Occupants leave for Minneapolis first of week. Inquire J. K. Doran, 323 1st St. 11-3-19k

FOR RENT—Furnished or unfurnished rooms for light housekeeping. 322 1st St. 11-3-19k

FOR RENT—Furnished room in modern house, suitable for two. 909 Fifth St. Phone 630-L. 10-27-19k

**LANDS**  
 FOR SALE—About 464 acres of land near Wing, known as the Bob O'Brien place. Improvements, water, and about 100 acres may be used on it, and about 200 acres under cultivation, at a reasonable price. Geo. M. Register. 10-26-19k

FOR SALE—Good section of land, mostly under cultivation, well situated near railroad, in Burleigh county, North Dakota, on crop payment plan. 10-28-19k

FOR SALE—A section of improved farm land located six miles from town. Land is excellent soil and has a particularly level, with no rock, no waste land. Improved with dwelling house, barns, granaries, good well and all other necessary outbuildings. Apply to purchaser, crop payment plan, and would consider some city property as a first payment. For particulars, write P. O. Box 400, Tuttle, N. D. 10-24-19k

**LOST AND FOUND**  
 LOST—Gold wrist watch, Omega shaped. Return to Tribune for reward. 11-2-19k

LOST—Brown purse containing watch and meal ticket and keys. Finder please return to L. C. Miller, Dept. 111, 11-3-19k

LOST—Between Mandan and Bismarck, a brown bear rug, green lining. Return to Bismarck Hide and Fur Co., and receive reward. 10-31-19k

**LOT BARGAIN**  
 Best lot in Bismarck for the money, corner 7th and Ave. B, water and sewer on the lot. \$800 cash.  
 HARVEY HARRIS & CO. 10-29-19k

**POSITIONS WANTED**  
 WANTED—Position as housekeeper by middle aged lady, or widow or bachelor. Can give good references. Phone 740L or call 1708 Rosser St. 10-31-19k

WANTED—Position as housekeeper for widow or bachelor by lady with one child. Write to Mrs. L. Carter, Lock Box No. 194, Wing, N. D. 10-27-19k

**WANTED TO RENT**  
 WANTED—Rooms for light housekeeping. Two or three rooms in modern home desired. Call Tribune. 10-28-19k

WANTED AT ONCE—Furnished light housekeeping room. Close to man and wife. Write or call 88 care Tribune. 10-31-19k

**BUSINESS OPPORTUNITIES**  
 ABSOLUTELY FREE  
 500 AERO MAP OF OIL FIELDS  
 Attractive and interesting relief map, size 18x24. Hang it in your home or office. See the amazing development of oil in the largest producing oil fields in the world at a glance. Limited edition; write immediately for free copy before supply is exhausted.  
 UNION TRUST CO.  
 Dept. 325, Hoffman Building  
 Houston, Texas

**AUTOMOBILES—MOTORCYCLES**  
 FOR SALE—Oakland Sedan, cheap for cash, or will trade in for desirable property on one or two lots. Cash guaranteed to be in first class condition. Write 80, care Tribune. 10-28-19k

FOR SALE—1918 Overland Roadster for sale, very reasonable. Phone 9-24-19k

**MISCELLANEOUS**  
 FOR SALE—Lady's black Russian Pony for sale. Size 38. Phone 355-R. P. O. Box 212. 11-3-19k

WANTED—Second-hand steam boiler, 10 to 15 horsepower, horizontal preferred. State price. Address 85, care Tribune. 11-3-19k

**A WORTHWHILE PRESENT**  
 A Christmas present worth while. Our latest, a combination pocketbook, for bills and coin, neatest thing out, highest grade leather and work, last a lifetime. Name, address and emblem of any lodge, business or profession, elegantly stamped on flap. Also a beautiful cardcase with money compartment for ladies, name, emblem, etc., same price. Get your order in now.  
 6031 Telegraph Ave. Oakland, Cal. 10-31-19k

Send your hemstitching and piecing to Kelley, Bismarck. 11-3-19k

FOR SALE—Two story building, first floor contains fixtures, pool hall, opera house on second floor. Good opening for Barber. Write Theo. Kautzman, Breiten, N. D. 11-3-19k

FOR SALE—Electric lighting plant in best condition, almost new. Price, \$100. Address 85, care Tribune. 11-3-19k

FOR SALE—One 2 1/2 horse power gasoline engine in perfect condition. Bargain if taken at once. Address 85, care Tribune. 11-3-19k

FOR SALE—Minute Lunch Restaurant. Good paying proposition, small capital will handle. Address Minute Lunch, Bismarck. 10-30-19k

FOR SALE—Two heating stoves. Phone 318. 10-31-19k

WANTED—Have party who desires to trade Bismarck improved property in for satisfactory half section of land near Bismarck. What do you offer? Geo. M. Register. 10-30-19k

WE DO HEMSTITCHING and plot and sew work. Singer Sewing Machine Co. 211 Fourth St. 10-24-19k

WANTED TO RENT—Piano; no children. Phone 400R. 10-23-19k

FOR RENT—A few offices, second floor, conveniently located; steam heat, electric light, elevator and laundry service. Bismarck Realty Company, Bismarck Bank Bldg. 7-21-19k

FOR RENT—Basement 40x50 ft.; outside entrance; suitable for storage. Furnish bath or barber shop; low rental. Bismarck Realty Company, Bismarck Bank Bldg. 7-21-19k

WILL TRADE for about 5 or 6 room modern house, well located in Bismarck. Emerson Brantingham Big 4. 30-30 tractor, thoroughly overhauled; eight stubble bottom six breaker self-lift plows; one new wagon and 500 gallon tank and one new packer. Write Lock Box 157, Tuttle Lake, N. D. 10-16-19k

FOR SALE—In good condition for cash or bankable paper one 32 Avery Separator complete with band cutter, feeder, washer and grader; one Avery 5-5-2 gas tractor, one 15 bbl. mounted gas tank; one Avery 6 bottom engine plow with break attachment. Apply to Began State Bank, Bismarck, N. D. 8-25-19k

**EAST ALBERTA SPRINGS ARE ALMOST PURE SALT**  
 Winnipeg, Man., Nov. 3.—Brie from springs in east Alberta, having the appearance of mud volcanoes, has been found to assay 98 1/2 per cent. salt, according to V. C. Saunders, representing British capital interested in Canada's natural resources.  
 In the same neighborhood conglomerate deposits were unearthed which contained specimens of garnet, agate

## DOINGS OF THE DUFFS

The Young Lady Lived Within Hearing Distance

BY ALLIAN



and other mineral products, he declared.

Mr. Saunders said that near the United States boundary salt deposits rising from numerous springs in a shallow lake were found. These "mud volcanoes" are throwing up brine, 98 1/2 per cent. of which is salt. The lake itself, into which these springs flow, contains 62 per cent. salt, as compared with 37 per cent. in Salt Lake, Utah, it is said.

## PEACE RIVER FARMERS HAD BUMPER HARVESTS

Peace River, Northern Alberta, Nov. 3.—Now that snow and zero weather have come to the edge of civilization, farmers are talling their profits from their 1919 crops. For while Southern Alberta experienced a fearful drought this summer, the Peace River district farmers enjoyed splendid growing weather.

Threshing was practically over when the first touch of winter came but some farmers in remote districts had not continued their work by Oct. 28. It is estimated that the settlements in Waterhole, Van Rens and Pouce Coupe territories harvested 175,000 bushels of wheat and 200,000 bushels of oats.

Inadequate transportation facilities have handicapped the pioneers who are opening this region to serious settlement.

## WISCONSIN'S HENS, NOT MEMBERS OF BIG UNION, KEPT RIGHT ON THE JOB

Madison, Wis., Nov. 3.—The Associated Press.—Thousands of extremely loyal Wisconsin hens, ignoring strikes and other industrial turbulence, have produced nobly this year, according to statistics compiled by George J. Weigle, state dairy and food commissioner. On Sept. 31 there were 2,569,870 dozens of eggs in cold storage put away since January 1.

Supplies of butter and eggs have been decreasing since mid-summer. On August 31, the egg supply in storage totaled 3,381,930 dozens. On August 1, the butter total was 855,281 pounds but on October 1, the amount in storage had decreased to 491,941 tons. A slight increase in storage poultry is announced, the latest figures showing 228,714 pounds near the ice.

## CARIBOU BY THOUSANDS RANGE YUKON COUNTRY

Dawson, Y. T., Nov. 3.—Caribou by thousands are ranging the hills with in five miles of Dawson and over an area of fifty miles wide by one hundred miles in length. Every hill and valley is said to be covered with the herds. Arrivals here from Glacier Creek, traveling the main road thru

800,000 emigrants, many of whom became wealthy, passed over this road on their way to take up homesteads. The highway lost its importance when the Northern Pacific railroad was built more than 30 years ago.

## TRAPPER SURVIVES COWBOY ON RANGES

Helena, Mont., Nov. 3.—The cowboy practically has vanished with the range, but the trapper may operate for decades.

The professional hunter also thrives in some sections of the state and never was bounty more generous for the nimrod who can bag beasts of prey.

Various bounties are paid by the state on wolves, coyotes, mountain lions and wildcats but none has been so notable as that just announced at White Sulphur Springs where the Menger County Cattle Breeders' association will give one hundred dollars for every wolf or lion skin brought in.

Losses by these beasts in some sections are tremendous. Especially where grazing lies in the forests, many valuable animals fall yearly before the jaws of the wolf and the paw of the lion. While forest guards pursue them relentlessly and a due percent of the professional hunters and trappers are always on their trail, their numbers do not seem appreciably to diminish.

Bears kill cattle and horses but not often. There are long seasons during hibernation, when the bear is not a menace; and in addition several species of bears are not carnivorous. But the wolf and in lesser degree the coyote, and the mountain lion never rest, and their toll is perennial.

## Bull-Headed Canby Bull Ties Up Road

Canby, Minn., Nov. 3.—A Canby bull got bull headed and in less than two minutes it caused the destruction of \$2,000 worth of property and a train wreck; two men narrowly escaped death and railroad traffic was tied up for several hours.

Said bull ambled on to the Chicago and Northwestern right of way as a freight train approached.

The whistle screamed. The train couldn't stop and the bull wouldn't get out of the way.

On the next play, the dead bull lay in the ditch; the train made five yards and went down in the ditch. The engineer and fireman went over the engine but escaped serious injury.

## WALLA WALLA TO HAVE MONUMENT TO MAN WHO CAME IN FROM BENTON

Walla Walla, Wash., Nov. 3.—The Associated Press.—The City of Walla Walla has been notified by the Society of Montana Pioneers, that it would like to present to this municipality a monument to the memory of Captain John Mullan, who directed construction of the famous highway from Fort Benton to Walla Walla. The road was started in 1855 and was completed in 1862.

The object of the highway was to provide a line of exploration between the navigable waters of the Missouri river, Fort Benton and Walla Walla. At that time, Walla Walla was a frontier port on the Columbia river.

When the emigrant movement became important after the Civil war, this road was the main artery of travel to Idaho, Washington and Oregon. It has been estimated that more than

the center of the herds for fifty miles, estimate that there are hundreds of thousands of the animals in the great assembly.

Dawson people are leaving here in squads to secure their winter meat supply. With beef and mutton selling here at from sixty to eighty cents a pound the caribou afford great relief from the high cost of living.

Women, boys and girls are joining the men in the big hunt.

The temperature at Dawson is around zero and the Yukon river is carrying heavy ice. The Washburn, the last steamer for White Horse from the lower river, passed here a few days ago. She and the old river steamers now are safe above the danger points. There will be no more boats into Dawson this season. The first overland stage of the season left for the coast this week.

JOHNSON'S for the Phoenix Pure Silk Hose.

**SQUIRREL FOOD**  
 NOW DAG NAB YE OTTO AUTO - THIS PUNKIN IS A MATE 'T YER PESKY HEAD AN' THAT'S WHERE IT'S GOIN' IN A SPECK.

By Ahern

Our Biggest Bargains

7-room strictly modern house, east front, close to schools, half block from moving, good neighborhood, at \$4400.00. This property cannot be duplicated for less than \$5500.00. We can sell on very reasonable terms.

5-room mostly modern bungalow, furnace, full basement. A real bargain at \$2500.00, which we can sell on easy terms.

6-room strictly modern bungalow, new, close in at \$4500.00. On terms. Corner lot. Paving.

Every one of these is a bargain.

**F. E. YOUNG REAL ESTATE COMPANY**  
 Offices in First National Bank Bldg.

—PHONES—  
 F. E. Hedden, O. H. F. O'Hare, 78R.  
 F. E. Young, 78R.

**BISMARCK FURNITURE CO.**  
 220 Main St.  
 Furniture Upholstery Repaired, Reupholstered and Packed.

**DE LAVAL Cream Separators**  
 The World's Standard FRENCH & WELCH Hardware Implements Harness

**NEW GARAGE AND MOTOR STORAGE**  
 In rear of Northwest Hotel Formerly Occupied by Western Sales Co.

Repair Work a Specialty  
**Independent Garage**  
 ROBERTS & SPANGLER, Props.  
 Phone 233

**BISMARCK MOTOR COMPANY**  
 Distributors of  
 STUDEBAKER and CADILLAC Automobiles

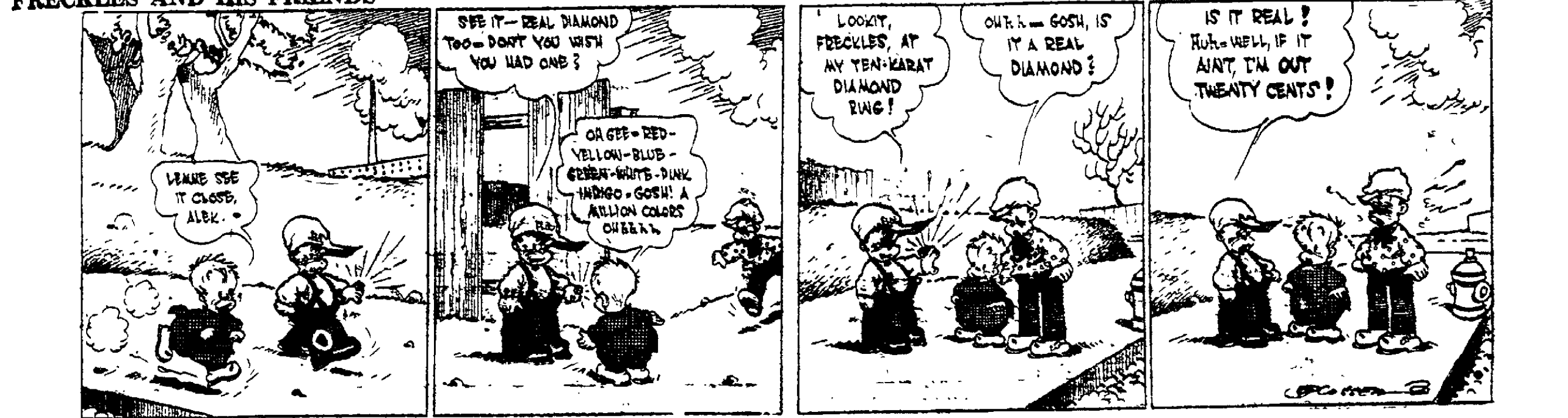
**BUICK and OAKLAND**  
 Valve-in-Head Motors  
 CORWIN MOTOR CO.  
 Bismarck, N. D.

**BATTERIES PAIR REPAIRING**  
**Exide**  
 FACTORY SERVICE STATION  
 CORWIN MOTOR CO.

## FRECKLES AND HIS FRIENDS

Fresh From the Five and Ten!

BY BLOSSER





# TOWNLEY TALES OF WHEAT GAINS PROVEN UNTRUE

South Dakota Director of Marketing Shows Up League Misrepresentation

## SISTER STATE'S PRICES

Schedule Higher in Most Cases Than Paid by Industrial Board's Mill

Pierre, S. D., Nov. 3.—Special: Refuting a claim made by Townley newspapers in South Dakota that the farmers of this state were being "robbed" in the matter of the price paid for wheat, as compared with the price paid in North Dakota, Don Livingston, state director of marketing, today issued the following statement:

Pierre, S. D., Oct. 28, 1919.  
An attempt is being made to convince South Dakota farmers that they are receiving a lower price for their wheat than is paid in North Dakota farmers. This is a slander on the good name of South Dakota and wholly untrue.

### Claim of Townley Paper

The following appeared in the South Dakota Leader on October 4, 1919:  
SOUTH DAKOTA FARMERS BEING ROBBED ON GRAIN

North Dakota Farmers Getting Over Fifty Cents Per Bushel More Because of Non-Partisan League Laws

Mr. McGovern, grain inspector and mill manager for North Dakota, was in South Dakota a few days ago and took notice of what the grain buyers were doing in this state. In the section where he was he said the elevators were paying \$1.87 for 75 bushel test wheat. The North Dakota mill is paying \$2.30 for the same test, making 40 cents per bushel the difference. South Dakota farmers in that section are being cheated out of 40 cents per bushel.

### Elevators Give Prices

In reply to the article after we have the price of wheat in the elevators of the state of South Dakota. We have the price of wheat in the elevators of the state of South Dakota. We have the price of wheat in the elevators of the state of South Dakota.

# THE "BLUES" Caused by Acid-Stomach

Blues of people who worry are depression, loss of appetite, nervousness, etc. These conditions are due to indigestion. The acid stomach is the cause of all these troubles. It is a common complaint. It is a common complaint. It is a common complaint.

## EATONIC (FOR YOUR ACID-STOMACH)

Call Wachter Transfer Co. for Beulah Coal. Phone 189.

No other test equals the test of continued confidence.

Buyers of Fur, Felt, Wool, Hides & Junk Tanners of Fur, Coat, Robes & Leather Write for price list and catalogue. BISMARCK HIDE & FUR CO. Bismarck, N. D.

## HAY FOR SALE IN CARLOAD LOTS

Geo. Coleman Opposite McKenzie Hotel



Scene from "The 13th Chair" at the Auditorium Monday and Tuesday night.

## E. G. PATTERSON REFUSES TO PAY FORMER EMPLOYE

Woman Asks League Leader to Pay Her \$11 for Six Days Work at Hotel

Letters received from South Dakota buyers:  
L. Dornbush, Pollock, S. D.—50-pd. test, \$2.65.  
L. Dornbush, Pollock, S. D.—50-pd. test, \$2.60.  
Security Elevator Co., Hoven, S. D.—50-pd. test, \$2.55.  
Security Elevator Co., Hoven, S. D.—50-pd. test, \$2.40.  
Security Elevator Co., Hoven, S. D.—50-pd. test, \$2.30.  
Selmer Grain Co., Watertown, S. D.—50-pd. test, \$2.42.  
Farmers Elevator Co., Foley, S. D.—50-pd. test, \$2.04.  
Farmers Elevator, Wessington, S. D.—40-pd. test, \$2.07.  
Fryka, Watertown, S. D.—50-pd. test, \$2.25.  
Harrell Milling Co., Campbell, S. D.—50-pd. test, \$2.45.  
Farmers Elevator Co., Sisseton, S. D.—50-pd. test, \$2.30.

## LEGION TO OUST ALIENS WHO DID NOT HELP IN WAR

North Dakota Has Seventy "First Paper" Slackers Who Must Leave Country

A nation-wide drive will be started on by the American Legion to demand the deportation of those aliens who refused to join the armed forces of this country in spite of the fact that they had taken out their first citizenship papers.

## NEW OVERLAND IS MODERN AUTO

"Remarkable progress" is the way John A. Willy, president of the Willy-Cordell Co., expresses his satisfaction after a week's visit in Toledo.

## THE "BLUES" Caused by Acid-Stomach

Blues of people who worry are depression, loss of appetite, nervousness, etc. These conditions are due to indigestion. The acid stomach is the cause of all these troubles. It is a common complaint. It is a common complaint. It is a common complaint.

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## HAY FOR SALE IN CARLOAD LOTS

Geo. Coleman Opposite McKenzie Hotel

## BAD BREATH

Dr. Edwards' Olive Tablets Get at the Cause and Remove It

Dr. Edwards' Olive Tablets, the substitute for calomel, act gently on the bowels and positively do the work.

Dr. Edwards' Olive Tablets act gently but firmly on the bowels and liver, stimulating the natural action, clearing the blood and gently purifying the entire system.

Dr. Edwards' Olive Tablets are purely a vegetable compound mixed with olive oil. You will know them by their olive color. Take one or two every night for a week and note the effect. 10c and 25c.

## CITY DADS HAVE NICE JOB OPEN FOR BRIGHT MAN

B. F. Flannigan Refuses Appointment as Justice of Peace So Vacancy Exists

HELP WANTED—Honest, upright, sober, law-abiding and conscientious citizen to assume the duties of justice of peace for and in the city of Bismarck. All applicants should apply to the city commission, Monday night at the city hall.

B. F. Flannigan was recently appointed to this position by the city commission following the resignation of William F. Harris, which resignation goes into effect today.

It is expected that the city commissioners will take this action Monday night at the regular weekly meeting of the commission.

## LEGION TO OUST ALIENS WHO DID NOT HELP IN WAR

North Dakota Has Seventy "First Paper" Slackers Who Must Leave Country

A nation-wide drive will be started on by the American Legion to demand the deportation of those aliens who refused to join the armed forces of this country in spite of the fact that they had taken out their first citizenship papers.

The list of "first-paper" slackers has been started by the various state organizations of the legion. North Dakota has reported on these evaders of military service and the list showing where the slackers were born is as follows:

Sweden, 20; Norway, 45; Switzerland, 1; Denmark, 4.

These men gave as their reason for evading military service during the war that they were citizens of the countries they were born in, although they had all renounced allegiance to those countries when they applied for the first papers.

The Bismarck post of the legion will start a campaign in Burleigh county to ferret out all those who attempted to evade the draft, or otherwise escape military service with the idea of preventing such persons from obtaining citizenship papers, or if the case is flagrant enough, to demand their deportation from this country.

The local post has investigated the alleged utterance of one enemy alien in this city who, former service men state on oath, made disparaging remarks against this country and was unpatriotic in word and spirit.

Through his efforts, after careful investigation, the man was discharged from his position and the papers in the matter were forwarded to the United States attorney at Fargo for immediate action.

## CHEST CLOGGED UP WITH HEAVY COLDS

Don't give it a chance to get in—use Dr. King's New Discovery

That cold in the chest where a cough is the only sign of the trouble is the worst of you may be nearer than you think. Prompt action with Dr. King's New Discovery will avert a long siege.

For fifty years it has loosened congested chests, disipated tight-packed phlegm, broken vicious colds and coughs. Give it to the young ones—take it yourself. There will be no disagreeable after-effects. At 50c and \$1.25 a bottle. At your druggist's. Give it a trial.

Bowels Become Normal—liver moves up, bile flows freely, headache, biliousness, tongue fur, stomachache disappear. What Dr. King's New Life Pills get in their natural, comfortable action. Purgative, never distressing, restorative, sometimes even to rack the system violently. Nature's way is the way of Dr. King's New Life Pills—gently but firmly—stimulate the bowels, eliminate the waste, the clogging waste, and purify the system with them. A new era of health.

Oh! Yes! JOHNSON'S for Hostelry.

Phone 75—City Fuel Co. for Modern Coal

The Ford International Weekly

# THE DEARBORN INDEPENDENT

"Here are the facts" you can say to yourself when you open your copy of this magazine.

There are no fewer than a dozen great issues engaging the attention of the American people today.

It means much to be sure of your facts, and with so many conflicting claims to pass upon one is not always sure of being able to separate the false from the true.

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marks against this country and was unpatriotic in word and spirit. Through his efforts, after careful investigation, the man was discharged from his position and the papers in the matter were forwarded to the United States attorney at Fargo for immediate action.

## DELEGATES FROM STATE ASSIGNED FOR CONVENTION

North Dakota's Representatives to Legion Meeting Will Stop at Allen Hotel

North Dakota's delegates to the national convention of the American Legion at Minneapolis November 10, 11 and 12 have been assigned headquarters in the Allen hotel in that city by the national committee.

P. C. Harrington, finance officer of the Bismarck post of the legion, is one of the state delegates who will attend the convention. He will leave here for Minneapolis next Sunday and it is expected that a number of other members of the local post will attend the convention as spectators.

North Dakota's delegates to the convention are:  
Voting delegates—John P. Conny, Fargo; A. M. Gieseler, Tower; Jerome K. Jones, Lisbon; P. G. Harrington, Bismarck; H. A. Metzger, Williston; C. H. Stark, Dickinson; Angus Fraser, Bismarck; George B. McClintock, Rugby.

Alternates—L. B. Corale, Casselton; Monty Woods, Bottineau; F. R. Streeton, Linton; William Morris, Carrington; E. R. Tieck, Velva; W. Schwartz, Golden Valley; J. M. Hanley, Wendan; L. B. Merry, Dickinson.  
Honorary delegates—Julius Baker, Minneapolis.

## Tobacco Habit Dangerous

Says Doctor Connor, formerly of Johns Hopkins hospital, "Thousands of men suffering from fatal diseases would be in perfect health today were it not for the deadly drug, nicotine. Stop the habit now before it's too late. It's a simple process to rid yourself of the tobacco habit in any form. Just go to any up-to-date drug store and get some Nicotol tablets; take them as directed and let the pernicious habit quickly vanish. Druggists refund the money if they fail to read large and interesting announcement by Doctor Connor soon to appear in this paper. Tell of the danger of nicotine poisoning and how to avoid it. In the meantime try Nicotol tablets; you will be surprised at the result. Lemmer's and Joe, Bismarck."

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most pronounced hits of last season. "Up in Mabel's Room" is in three acts and is described as a frivolous farve of feminine follies. The production is an elaborate one, and it will be interpreted by a notable cast of Broadway favorites.

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